

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

\* \* \* \* \*  
\*  
UNITED STATES OF AMERICA \*  
\*  
v. \* 14-cr-73-02-PB  
\* September 9, 2015  
\* 11:50 a.m.  
LAURA MINOT \*  
\*  
\* \* \* \* \*

TRANSCRIPT OF SENTENCING HEARING  
BEFORE THE HONORABLE PAUL J. BARBADORO

Appearances:

For the Government: William Morse, AUSA  
U.S. Attorney's Office  
53 Pleasant Street  
Concord, NH 03301

For the Defendant: Andrew Winters, Esq.  
Cohen & Winters PLLC  
101 North State Street  
Suite 1  
Concord, NH 03301

Probation Officer: Jennafer McNutt

Court Reporter: Sandra L. Bailey, LCR, CM, CRR  
Official Court Reporter  
United States District Court  
55 Pleasant Street  
Concord, NH 03301  
(603)225-1454

1                                   BEFORE THE COURT

2                   THE CLERK: Court is in session and has for  
3 consideration a sentencing in criminal matter  
4 14-cr-73-02-PB, United States of America versus Laura  
5 Minot.

6                   THE COURT: Ms. Minot, I have a presentence  
7 report for you that was dated June 19th and revised on  
8 August 25th. Have you had a chance to read that report?

9                   THE DEFENDANT: Yes.

10                  THE COURT: Yes. And have you had a chance to  
11 talk to your lawyer about it?

12                  THE DEFENDANT: Yes.

13                  THE COURT: And you do feel you understand it?

14                  THE DEFENDANT: Yes.

15                  THE COURT: Okay. Thank you. You can be  
16 seated.

17                  Does the government dispute any of the facts  
18 or legal conclusions contained in the report?

19                  MR. MORSE: No, your Honor.

20                  THE COURT: Counsel, are you pressing any  
21 objections to the report?

22                  MR. WINTERS: No, your Honor.

23                  THE COURT: Okay. So, in this case the  
24 defendant's total offense level is eight, her Criminal  
25 History Category I. One of the offenses of which she is

1 convicted, aggravated identity theft, carries a  
2 mandatory minimum sentence of two years consecutive to  
3 any sentence imposed on the other counts, in this case  
4 Count One, the conspiracy charge. So the guideline  
5 sentencing range is set by the -- is set by the --  
6 affected by the mandatory minimum. The lowest possible  
7 sentence that can be given under this, for these crimes  
8 is 24 months, correct?

9 MR. WINTERS: That's correct, your Honor.

10 THE COURT: And plus one day for the -- or I  
11 guess you could give zero for the underlying conduct.  
12 So the lowest sentence will be 24 months.

13 MR. MORSE: That's correct, your Honor.

14 THE COURT: Okay. All right. So I adopt the  
15 findings of fact and conclusions of law set forth in the  
16 report which will be made a part of the record under  
17 seal and determine that the offense level is eight, her  
18 Criminal History Category is I, and the guideline range  
19 is set at 24 months because of the mandatory minimum  
20 sentence.

21 All right, what's the government's  
22 recommendation?

23 MR. MORSE: Your Honor, this is a C plea to a  
24 sentence of 25 months.

25 THE COURT: Okay.

1 MR. MORSE: These are serious offenses as  
2 reflected by Congress's enactment of the aggravated  
3 identity theft statute which covers crimes of this  
4 nature. This credit card problem is endemic. I'm sure  
5 the Court has seen a lot of it. A 25-month sentence,  
6 your Honor, would reflect the seriousness of the crime.

7 THE COURT: Yeah, let's just be clear, though,  
8 I mean, for what she pled guilty to the lowest sentence  
9 would be 24 months, so what you're saying is I  
10 negotiated a deal with her that would be binding on both  
11 of us and I agreed to accept a sentence one month higher  
12 than the lowest sentence she could be sentenced to in  
13 exchange for her guilty plea to these two charges.

14 MR. MORSE: That's correct, your Honor.

15 THE COURT: Okay. All right. Thank you.  
16 Counsel, I'll hear you. You agree that you have a  
17 binding plea agreement for a 25-month sentence?

18 MR. WINTERS: We do, your Honor, we think  
19 that's appropriate given the mandatory minimum sentence  
20 that she faces.

21 THE COURT: Well, it's almost the lowest  
22 possible sentence she could be sentenced to, one month  
23 longer than the lowest possible, so, given the fact  
24 that, and I know this from having reviewed the  
25 presentence report and having been involved in

1 sentencing the co-defendant who received a much longer  
2 sentence, that the facts in this case are essentially,  
3 leave the defendant with virtually no defense to a  
4 charge if it went to trial, and since there's virtually  
5 no defense, this decision to plead guilty and accept  
6 this negotiated plea produces virtually the lowest  
7 possible sentence she could receive without any risk  
8 that she gets a higher sentence.

9 MR. WINTERS: That was exactly our reasoning  
10 and we agree, your Honor, yes.

11 THE COURT: All right. Okay.

12 MR. WINTERS: Your Honor, she brought this  
13 today, so we didn't have a chance to submit it in  
14 advance, but this is -- she just wants to put this on  
15 the record. It's a letter from a friend of hers. It's  
16 a relative of hers named Nicole Wiggin.

17 THE COURT: Sure.

18 MR. WINTERS: I did provide a copy to  
19 probation and the government.

20 THE COURT: Sure, I will take it.

21 MR. WINTERS: And I also wanted to let the  
22 Court know that she is scheduled for surgery for a  
23 carpal tunnel surgery on her wrist.

24 THE COURT: When is it?

25 MR. WINTERS: September 22nd.

1 THE COURT: How long is the recovery for that?

2 MR. WINTERS: I have a letter from her doctor  
3 requesting an eight-week delay post surgery for  
4 recovery.

5 THE COURT: How do you feel about that,  
6 counsel, I mean, if she's got a scheduled surgery and it  
7 doesn't get postponed, I guess what I'm saying is I'm  
8 inclined to allow her to self-surrender unless the  
9 government has some reason to convince me she's likely  
10 to flee, and if she has a scheduled surgery, I would  
11 like to let her recover from that surgery, but what I  
12 don't want to do is leave her with any misimpression  
13 that if for some reason the surgery is cancelled, that  
14 we're going to continue to delay. If the surgery gets  
15 cancelled she's going to have to wait until she serves  
16 her sentence to get the surgery. But if it's a  
17 definite, she's going to have the surgery on that date,  
18 some period of time to recover is probably a good thing  
19 for her and it's also a good thing for the taxpayer  
20 because she's responsible for any of her medical care  
21 before she surrenders, but once she's in the custody of  
22 the Bureau of Prisons and she develops a post-surgical  
23 infection or something like that, the treatment has to  
24 be provided by the government.

25 So, I think it makes sense to do that unless

1 the government has some basis to believe she's likely to  
2 flee.

3 MR. MORSE: The government has no reason to  
4 believe the defendant is likely to flee, and although I  
5 think eight weeks is probably a generous term for  
6 recovery.

7 THE COURT: It's a little long.

8 MR. MORSE: But we're prepared to agree to a  
9 surrender date of December 1st if that's acceptable.

10 MR. WINTERS: It would coincide right around  
11 Thanksgiving, so we requested December 1st. I don't  
12 know if they would report during Thanksgiving.

13 THE COURT: Okay, that seems sensible to me.  
14 But please, you need to understand and you need to make  
15 sure your client understands we won't be extending if  
16 appointments get missed or the surgery doesn't take  
17 place. You're going to have to surrender December 1st  
18 no matter what happens, all right? Do you understand  
19 what I'm saying?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. All right. I'm going to  
22 give you a chance to speak in just a minute, ma'am. Let  
23 me read your letter.

24 (Pause.)

25 THE COURT: All right, so I've had a chance to

1 read your letter and it seems to me that the proposed  
2 sentence is acceptable. It's less than half of the  
3 sentence I gave to her co-defendant but there's a, I  
4 think, my recollection is it's over 50 months that I  
5 gave the --

6 MR. MORSE: Fifty-four months, your Honor.

7 THE COURT: So, it is a much lighter sentence  
8 than I gave to her co-defendant, but I do think there  
9 are factors in her background compared with her  
10 co-defendant and her culpability in this offense that  
11 justify the substantially lower sentence that she's  
12 getting than the sentence I gave to her co-defendant.

13 All right, before I sentence you, ma'am, you  
14 have an opportunity to say anything you want to say.  
15 You don't have to say anything, though. But if you want  
16 to say anything, I'll be happy to hear it. Did you want  
17 to say anything?

18 THE DEFENDANT: No, I just want to mention  
19 that --

20 MR. WINTERS: May I, your Honor?

21 THE COURT: Yes.

22 MR. WINTERS: She currently is prescribed  
23 opiates, and she has a concern about withdrawing off of  
24 those. And I explained to her I don't think that would  
25 be a justification for delaying further incarceration,



1 but that she should develop a plan with her doctor to,  
2 you know, she has plenty of time, more than the normal  
3 amount of time to develop a plan trying to --

4 THE COURT: Between now and December,  
5 absolutely, but I also think the, if she wants some help  
6 with that, our pretrial services people will be happy to  
7 facilitate a meeting with drug counselors. There are  
8 people that can help them develop a withdrawal plan.  
9 There's no reason she can't get fully off of opiates  
10 between now and December. And if she has a legitimate  
11 need for medication once she's incarcerated, she will  
12 receive that, but she won't get opiates prescribed to  
13 her while she's in prison unless there is in fact a  
14 legitimate need, so, it would be very strongly in her  
15 interest between now and December to in fact act  
16 aggressively to wean off of any opiate medication that  
17 she's taking.

18 So, I ask the probation officer to please  
19 inform her supervising officer that while she's awaiting  
20 sentence and we're supervising her, she's expressed a  
21 concern that she may need to wean off of opiates, and if  
22 you could have that officer contact her and offer to  
23 assist her with facilitating a recommendation as to  
24 where she can go to get some help with respect to that,  
25 okay?

1                   PROBATION OFFICER: I will.

2                   MR. WINTERS: Your Honor, two other things  
3 that she had asked me to let the court know.

4                   She expressed confusion to me about some of  
5 the aliases listed on the presentence report and some of  
6 the items on her record which don't materially affect  
7 the guideline analysis. She does have a twin sister. I  
8 haven't been able to get a clear --

9                   THE COURT: Well, let me deal with those two  
10 issues separately. I agree with you, it doesn't affect  
11 the sentence. She's getting almost the lightest  
12 sentence she can get. But if her criminal record, if  
13 it's wrong, might affect how the Bureau of Prisons looks  
14 at her, so let's just be sure we've got the criminal  
15 record down correctly here.

16                   If we look at the actual convictions -- so she  
17 scores out as a Criminal History Category I, so it  
18 doesn't affect her guideline range in any way, but let's  
19 just look at the convictions. I'm less concerned with  
20 the other arrests. None of them are for -- things that  
21 are likely to enhance her sentencing status, but she  
22 does have several convictions that if she doesn't think  
23 it's correct, we may need to want to address it.

24                   So, there's a conviction for forgery in 1985  
25 when she was about 22. Is she disputing that?

1 THE DEFENDANT: Yes, that's my sister.

2 THE COURT: You think that conviction is for  
3 your sister?

4 THE DEFENDANT: Yes.

5 MR. WINTERS: I had asked her to try to go  
6 through that in advance but there's some -- there is  
7 some transportation issues and some distance issues --

8 THE COURT: All right, well, what we're going  
9 to do at the end of the hearing today, before you leave,  
10 you're going to sit down with the probation officer who  
11 compiled this record, and she has all the conviction  
12 information, and if there is any dispute about it she  
13 can get it and what you can do is if you can agree to  
14 any amendments, she can just file a proposed amendment,  
15 inform me that she's proposing to amend the report. If  
16 you disagree after this discussion, you can file a  
17 motion to ask the Court to amend her presentence report,  
18 and if necessary we can hold a hearing on it, but  
19 there's no reason why I can't order the report to be  
20 amended at any time if it turns out to be false. So,  
21 between now and December we can work that out. But none  
22 of these things will affect the sentence. Even if she  
23 had no criminal record I would be giving her the same  
24 sentence that I'm giving her now. So, that isn't a  
25 problem for me. But I don't want her to go into the BOP

1 with materially false information on her record because  
2 that tends to stick with you and it can affect your  
3 classification and how the intake officers view you.

4 So, let's have you meet with them before you  
5 leave the courthouse today, ma'am, with the probation  
6 officer, and you see what you can work out, okay?

7 MR. WINTERS: I appreciate that, your Honor.  
8 I'm sorry we weren't more prepared for that.

9 THE COURT: That's all right. We will get it  
10 taken care of.

11 All right, let me read the proposed sentence.  
12 Now, you've reviewed the probation terms with your  
13 client?

14 MR. WINTERS: I did, your Honor.

15 THE COURT: She's not in disagreement about  
16 any of those terms, is that right?

17 MR. WINTERS: She's not in disagreement with  
18 the terms. I think our plea agreement does not include  
19 the length of supervised release, so we would propose  
20 one year which is in the guideline range.

21 THE COURT: Okay. And the government was  
22 asking for --

23 MR. MORSE: The government is asking for three  
24 years, your Honor.

25 THE COURT: Three years. Let's -- I think a

1 two-year term -- one year will be insufficient, two  
2 years, if she can remain free of criminal conduct for  
3 two years ought to be sufficient, so I'm prepared to  
4 reduce it to two years.

5 MR. WINTERS: Thank you, your Honor.

6 THE COURT: All right, let me read the  
7 proposed sentence.

8 Pursuant to the Sentencing Reform Act of 1984  
9 it is the judgment of the Court that the defendant,  
10 Laura Minot, is hereby committed to the custody of the  
11 Bureau of Prisons to be in prison for a term of one  
12 month on Count One and 24 months on Count Fourteen, with  
13 such terms to be served consecutively to Count One for a  
14 total term of 25 months.

15 Upon release from imprisonment the defendant  
16 shall be placed on supervised release for a term of  
17 three years. Said term consists of three years on Count  
18 One and one year on Count Fourteen, both such terms to  
19 run concurrently.

20 Within 72 hours of release from the custody of  
21 the Bureau of Prisons the defendant shall report in  
22 person to the probation office in the district to which  
23 the defendant is released.

24 While on supervised release -- excuse me, I  
25 meant two years, two years on Count One and one year on

1 Count Fourteen, both such terms to run concurrently.

2 While on supervised release the defendant  
3 shall not commit another federal, state or local crime,  
4 shall comply with the standard conditions that have been  
5 adopted by this Court, and shall comply with the  
6 following mandatory and proposed special conditions  
7 attached to the presentence report.

8 The defendant shall pay a special assessment  
9 of \$200 which shall be due in full immediately.

10 The Court orders restitution in the amount  
11 specified to the entities identified in the presentence  
12 report. This is a joint and several obligation. It's  
13 ordered that the defendant shall make restitution except  
14 that no further payment shall be required after the sum  
15 of amounts actually paid by all defendants, that is she  
16 and Lois Patton, has fully covered any compensable  
17 injury. Any payment that is not payment in full shall  
18 be divided proportionately among the persons named.

19 The Court finds that the defendant does not  
20 have the ability to pay a fine, the Court will waive the  
21 fine in this case.

22 The defendant does not have the ability to pay  
23 interest and the Court orders that the interest  
24 requirement is waived.

25 Payments towards the total criminal monetary

1 penalties are ordered to begin immediately within  
2 30 days of commencement of supervision. Payments shall  
3 be made in equal monthly installments of \$100 during the  
4 period of supervision and thereafter. Upon commencement  
5 of supervision the probation officer shall review the  
6 defendant's financial circumstances and if necessary  
7 recommend a revised payment schedule on any outstanding  
8 balance for approval by the Court.

9 I order that the defendant self-surrender to  
10 an institution designated by the Bureau of Prisons on or  
11 before 2 p.m. on December 1st, 2015. That falls during  
12 a weekday, did we check that?

13 PROBATION OFFICER: It's a Tuesday.

14 THE COURT: Tuesday, okay, good.

15 MR. WINTERS: Your Honor, last thing, I  
16 promise. Would the Court consider recommending Danbury  
17 as the facility?

18 THE COURT: Yes, does she have family members  
19 in New England?

20 MR. WINTERS: Yeah, her entire background is  
21 in the Boston area.

22 THE COURT: All right, I recommend she be  
23 incarcerated as close as possible to family members in  
24 New England which I think Danbury right now is the  
25 closest women's facility, so I recommend she be

1 incarcerated in Danbury.

2 MR. WINTERS: Thank you, your Honor.

3 THE COURT: Are there any objections to the  
4 proposed sentence?

5 MR. MORSE: No objection, your Honor.

6 THE COURT: I will impose the sentence as I've  
7 read it.

8 You may have a limited right to appeal. If  
9 you want to appeal, consult with your attorney and  
10 direct him to file a notice of appeal on your behalf, or  
11 if you prefer you can ask the clerk's office for help,  
12 but any notice of appeal does have to be filed within  
13 14 days or you lose your right to appeal.

14 Anything else we need to deal with today?

15 MR. MORSE: Just that the government moves to  
16 dismiss Counts Two through Thirteen.

17 THE COURT: Motion is granted. Counsel, be  
18 sure you meet with the probation office with your client  
19 before you leave today to try to resolve any lingering  
20 disputes about any potential inaccuracies in the  
21 presentence report.

22 MR. WINTERS: Thank you very much, your Honor.

23 MR. MORSE: Thank you.

24 THE COURT: All right, thank you.

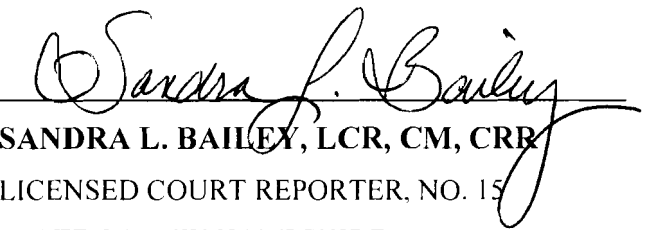
25 (Hearing concluded at 12:05.)



## C E R T I F I C A T E

I, Sandra L. Bailey, do hereby certify that  
the foregoing transcript is a true and accurate  
transcription of the within proceedings, to the best of  
my knowledge, skill, ability and belief.

Submitted: 11/24/2015

  
**SANDRA L. BAILEY, LCR, CM, CRB**  
LICENSED COURT REPORTER, NO. 15  
STATE OF NEW HAMPSHIRE